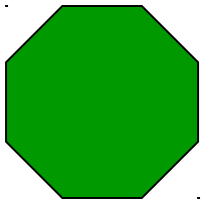
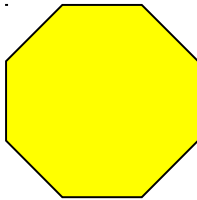




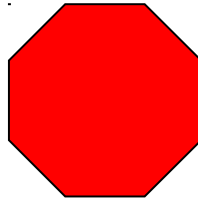
UPDATE: CONTINGENCY CONTRACTING



**No Problems
On Schedule**



**Minor
Problems
Schedule
Slipped**



**Major
Problems
Schedule
Slipped**



PURPOSE

Update on Progress / Initiatives to Streamline and Transform the DoD Contracting Process and Systems in Iraq

- ▶ Initiatives to DUSD 22 Jun 06 Letter
- ▶ COCOM Letter
- ▶ Test Case
- ▶ Issues
- ▶ Recommendations



OPERATING MODEL

- ▶ **OSD/J-4 will work as team to drive contingency Issues**
 - Weekly meetings
 - Include players from key organizations as needed
- ▶ **Will brief principals monthly or more frequently if needed**
- ▶ **Leverage expertise and resources across the organizations**
- ▶ **Exploit existing groups/forums to move issues**



KEY PLAYERS

A&T

JCCP

J-4

JCCM

DUSD(BT)

CAPI

Sub Elements

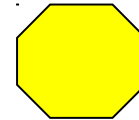
JCC-I/A
CENTCOM
SPE's
DAU
DUSD(IP)
DCAA
AFCEE

J-8
DRSO
DCMA
DCSS
L&MR
USACE

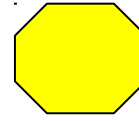


INITIATIVES TO DSD 22 JUN 06 LETTER

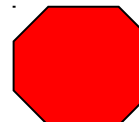
- ▶ **Business Processes**
- ▶ **Contracting Authority**
- ▶ **CERP Funds**
- ▶ **Changes to FAR / DFARs**
- ▶ **Legislative Strategies**
- ▶ **Acceleration of Contingency Contracting Doctrine**
- ▶ **Training / Outreach**



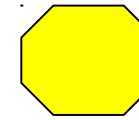
BTI



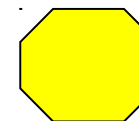
CENTCOM



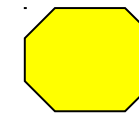
COMPTROLLER



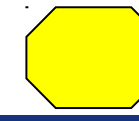
DPAP



DPAP



JCS



DAU



| BUSINESS PROCESSES



BUSINESS PROCESSES

- ▶ Create system for contract and requirements visibility that increases ability source from Iraqi Vendors
 - Deployable in 90 Days
 - English and Arabic Capability
 - Centralized Data and Standard Processes
 - Supports Web and Manual Processes
 - Provides Analysis Capability
 - Vetted Database of Iraqi Suppliers
 - Flexible for various fund types (e.g. CERP)
 - Easily Supportable
 - Minimize impact to Contracting Officers



BUSINESS PROCESSES

- ▶ Create system for contract and requirements visibility that increases ability to source from Iraqi Vendors
 - Online Iraq Vendor Registry October 06
 - Dual Language Bid posting/Receipt System October 06
 - Central Data Repository October 06
 - Capture Structured Contract Data 1 November
 - Phase II TBD
 - Common Requirements Generation/Visibility 1st Qtr 07



BUSINESS PROCESSES

One Web Site--ETA 15 Sep 06

▶ DAU and DPAP

- Lessons Learned--All Services**
- IG/SIGR Recommendations/Status**
- RAND Studies Recommendations/Status**
- GAO--Recommendations/Status**
- Reference Site for Ongoing Initiatives**



BUSINESS PROCESSES

Stability Operations

- ▶ Objective: Design a institution to effectively engage the private sector as a “Fifth Force” for stability operations (and contingency operations?)
- ▶ Concept:
 - Garrison – small office (40 – 50) organized under JFCOM
 - Work with COCOM’s planning staff on stability ops, (& contingency) requirements
 - Compete, award & manage “on the shelf” contracts for common, immediate needs
 - Operations –
 - contracting/prog mgmt personnel deploy with JTF core elements to set up JCC-X
 - Augmented with contracting/prog mgmt personnel from joint reserve unit and active duty from Services to populate and sustain JCC-X
 - Implementation –
 - “Transplant” processes and organizational culture from JCC-I/A to new office
 - Initially populate office with personnel experienced in JCC-I/A operations



BUSINESS PROCESSES

Stability Operations (continued)

► Status:

- Approach described in the Interim Progress Report on DOD Directive 3000.05 (coordinated report with USD(P) ready to be signed out to SECDEF)
- RAND study/report complete - described stability ops environment, composition and basic functions for Stability Ops Support Office, recommended placement under DLA (IP disagrees - prefers JFCOM)

► Next Steps:

- Develop detailed recommendations and staffing plan
- AT&L (w/ USD(P) and CJCS) sponsor a brief to the DAWG for concept validation and decision



| CONTRACTING AUTHORITY



CONTRACTING AUTHORITY

► CENTCOM

- Draft FRAGO
- Draft Letter signed by COCOM establishing clear lines of C2
- Draft Letter for authority outside of COCOM scope
 - ETA to DPAP 30 Aug 06



| CHANGES TO FAR / DFARs



CHANGES TO FAR / DFARs

FAR/DFARS Part 18

- ▶ **5 Jul 06 interim FAR rule published in the Federal Register**
 - **Revises FAR Part 18 to provide a single reference to the acquisition flexibilities already available in the FAR**
 - **Facilitate and expedite acquisitions of supplies and services during all types of emergencies**
<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-5964.pdf>
 - **Interim rule divides the flexibilities into two main groups**
 - **Available Acquisition Flexibilities identifies the flexibilities that may be used anytime and do not require an emergency declaration**
 - **“Emergency Acquisition Flexibilities identifies the flexibilities that may be used only after an emergency declaration or designation has been made by the appropriate official**
- ▶ **Aug 06 Draft DFAR Part 218**
 - **Draft being coordinated, publication as interim rule planned for early Oct. Part 218 will have accompanying PGI with much more guidance on “how to”.**



CHANGES TO FAR / DFARs

Private Security Contractors

- ▶ Review/Explore Changes to DFARS IAW DoDI 3020.41, Contractor Personnel Authorized to Accompany the Force
- ▶ Training-related requirements of GAO report being worked by the Joint Staff J-3
- ▶ DOD Law of War Program (DODD 2311.01E, 9 MAY 06)
 - Contract-related reqmts require DFARS case
 - Training implications for contractor personnel



CHANGES TO FAR / DFARs

PGI

- ▶ **Solicitation and Award of Contracts for Performance In or Delivery to any of the Unified Combatant Command Theaters of Operations**
 - **Provides CO's with a DoD web-based resource listing all prevailing policies, laws, regs Orders/FRAGO's, and other directives. unique clauses or other requirements**
 - **Ensures no duplication of efforts or delivery of goods**
 - **Host country requirements as well as respective combatant commander's performance considerations**
 - **Ensures command-wide and uniform contracting policies**
 - **Prepositioned waivers/D&F's/Deviations**





| LEGISLATIVE STRATEGIES



LEGISLATIVE STRATEGIES

▶ Current

- **Sec. 817 (Pub. L. 109-163)**
- **Develop Jt Policy for Contingency Contracting, Require DAU training**
 - **Interim Report due Oct 06**
 - **Final Report due Jul 07**

▶ Pending

- **Sec. 816 (H.R. 5122)**
 - **Would require a report on overcharges discovered by the IG under contracts entered into by DoD for work to be performed in Iraq and Afghanistan**
 - **Would require SecDef to implement policy for conducting comprehensive background checks on foreign nationals hired by DoD contractors and subcontractors at any tier operating outside of the United States**



LEGISLATIVE STRATEGIES

► Pending (cont.)

- Sec. 864 (S.2766)

- Would require SECDEF to develop a plan for contingency program management during combat operations and post-conflict operations
- Will be incorporated into amended sec. 817

- Sec. 323 (H.R. 5122)

- Would extend the temporary authority for contractor performance of security guard functions under section 332(c) of Public Law 107-314 by one year (through FY-08)

- Sec. 363 (S.2766)

- Would provide an exception to the prohibition on contractor performance of firefighting and security-guard functions (10 U.S.C. 2465) for firefighting functions to (i) fight wildland fires and (ii) perform wildland fire management



LEGISLATIVE STRATEGIES

▶ Pending (cont.)

- **Sec. 552 (H.R. 5122)**
 - **Would amend 10 U.S.C. 802(a)(10), relating to persons subject to the Uniform Code of Military Justice (UCMJ), by striking “war” and inserting “declared war or a contingency operation”**
 - **The law currently provides that the UCMJ applies “in times of war (to) persons serving with or accompanying an armed force in the field.”**
- **Berry Amendment**
 - **DPAP introduced two legislative proposals (OLC 072 and OLC 073) to provide an exception to the Berry Amendment (10 U.S.C. 2533a) for the procurement of covered items produced in Iraq or Afghanistan if such items are to be used by the military forces, police, or other security personnel of Iraq or Afghanistan. OLC 072 also would authorize limiting competition in contracting to Iraqi or Afghani companies or to items produced in Iraq or Afghanistan.**



ACCELERATION OF CONTINGENCY CONTRACTING DOCTRINE



ACCELERATION OF CONTINGENCY CONTRACTING DOCTRINE

- ▶ **JCCM Doctrine Development formally approved 24 May 06**
- ▶ **Draft JCCM Program Directive (PD) in final stages of staffing**
 - **Scope, Milestones, Audience, Responsibilities, Chapter Outline**
- ▶ **From PD approval, normally a 21 month process to publication**
- ▶ **Current estimated completion date is Fall 07 (13-14 mos)**
 - **Writing has informally started (Writing Teams - (1) Contracting and (2) Contractor Mgt**
 - **First draft complete for formal staffing est FEB 07**
 - **Final draft complete for formal staffing est MAY 07**
 - **Signed Pub est NOV 07**
 - **Vetting by JCCM Team, SPEs, J-7 led Joint Doctrine Working Party, Services, Combatant Commanders, Defense Agencies, Joint Staff and OSD**
- ▶ **Development may be affected by Joint Log Test Case, Contingency Contracting Policy Development and other ongoing efforts**



| **TRAINING / OUTREACH**



TRAINING / OUTREACH

DAU Training (<https://acc.dau.mil/CommunityBrowser.aspx?id=18217>)

- ▶ **Contingency Contracting**
 - **Policy & Guidance**
 - **Deployment Information**
 - **Deploying Contractors**
 - **Contract Administration**
 - **AAR and Lessons Learned**
 - **Ask a Professor**
 - **Community Connection**
 - **CCO Tools**
 - **Training Materials**
 - **News Sources and Links**

Future Joint Trng—CON 234

Field Ordering Officer Course

Contingency Contracting Library on a CD



TRAINING / OUTREACH

CCO Handbook

- ▶ **Pocket Guide**
 - Quick Reference

Training for Joint Force

- ▶ **Training on New JCCM Doctrine**
 - Joint Training results from approved Joint Doctrine
 - Incorporation into joint exercises



TRAINING / OUTREACH

External Coordination - "OUTREACH"

- ▶ Coordination with other Stakeholders is imperative; advance planning provides unity of effort
 - **State Dept**
 - **USAID**
 - **DHS**
 - **DCMA**
 - **DCAA**
 - **Industry**
 - **HASC/SASC Staff**



| ACTIONS FROM THEATER



ACTIONS FROM THEATER

- Develop Alternate Approach for Iraq/Afghanistan Solicitations
- Field eSF-44 Capability
- Provide funding flexibility
 - Contingency Construction/MILCON thresholds/Reprogramming Policy
- Relief for LOGCAP projects exceeding MILCON threshold
- Increase Capability for dealing with Protests
- Shorten Synopsis/Solicitation Times for Theater efforts
- Balance of Payments Program Relief



ACTIONS FROM THEATER

- Tax Exclusion for Deployed Civilians
- Acquisition Workforce Personnel redeployment
- Foreign Claims Act Flexibility for Business Losses v.s. Personal Losses



| TEST CASE



TEST CASE

▶ Test Case

- **Test Case needed to promote shift to Department's Capability based planning**
- **Test Case Areas include Joint Command and Control, Joint Net-Centric Operations, Battlespace Awareness and Joint Logistics**
- **Joint Logistics Capability Portfolio Management Test Case**
 - **Draft Letter in Routing for Mr. Krieg's Signature expected to be signed by 31 AUG assigns responsibilities and high level deliverables**
 - **Mr. Krieg will function as Logistics Capabilities Portfolio Manager and DJ4 as the Logistics Test Director**
 - **Test Plan and specific deliverables tbd but test to run from 29 SEP 06 to 30 MAR 07**
 - **Logistics Test will focus across Logistics Capabilities Portfolio at Tier II level**
 - **For Logistics Services capability, Contingency Contracting Support is a key element**
 - **Test Case will validate process ownership process, assess responsibilities of process owners and develop their roles and responsibilities**
 - **Test Case will address governance in a way that facilitates integrated decision making**
 - **Due to limited time, only a few initiatives in each capability area will be "tested"**



TEST CASE

► Test Case

- **Possible Test Case Initiatives in Contingency Contracting**
 - **Is Contingency Contracting Support a Process? (DJ4 question)**
 - **Joint Contingency Contracting Education**
 - **Functional Management System for Contractors Accompanying the Force**
 - **Joint LOGCAP Concept**
 - **Automatic assignment of theater CAS to Lead Agency/Service for Contracting**
 - **Command and Control of Contracting**
 - **Concept for Exploiting Private Sector in Stability Ops**
- **Due to time constraints, will only be able to selected a few initiatives for test**
- **SPEs need to vet alternatives**
- **Test Case candidates must be quantifiable, measurable, high risk if not studied, offer significant payoff and achievable within time frame allotted**
- **Test Case will inform/may affect ongoing doctrine development**
- **WARNING ORDER on Portfolio POM Assessment by Capability Area (DJS reqmt)**
 - **Awaiting details on required deliverables (due in SEP)**
 - **Feedback required in the context of the Test Case**



| ISSUES



ISSUES

- ▶ **SPOT**
- ▶ **Contractor's NOT Accompanying the Force**
- ▶ **DCMA Mission**
- ▶ **Test Case (POM Drill impact)**
- ▶ **Personnel**
 - **J-4**
 - **DPAP**



| RECOMMENDATIONS



RECOMMENDATIONS

- ▶ **Establish a Standing Joint Contingency Contracting Charter**
 - **Overarching Advisory Council**
 - **DUSD(A&T)**
 - **BTA**
 - **DPAP**
 - **SPE's**
 - **GC**
 - **Jt Staff**
 - **USACE - AFCEE**
 - **JCC - I/A**

- ▶ **Standing Joint Contingency Contracting Task Force**
 - **Will advise/update/recommend/request approval on specific issues**
 - **DPAP**
 - **BTA**
 - **J-4**



RECOMMENDATIONS

- ▶ **Contracting Planners in all COCOMS**
 - **Deliberate Planners**



RECOMMENDATIONS

► **Communication Plan**

- **HASC/SASC**
- **GAO**
- **IG / SIGR**
- **Public Relations**